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August 12, 2021

Hon. Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007

**Re: *El Bey v. Crocillo et. al.*
*SDNY Civil Docket No.: 20-cv-524-MKV***

Dear Judge Vyskocil:

This office was recently retained to represent Defendant MTA Police Officer Leyland Crocilla (inaccurately named as "Crocillo") badge #2477 in this matter. I write to request an extension of time to respond to the Complaint until 20 days after the Court decides Plaintiff's motion for assignment of *pro bono* counsel. (DE:27). I have conferred with counsel for the City of New York, Andrew B. Spears, Esq., and he takes no position on the request insofar as it is the City's contention that it must be dismissed from this action for lack of involvement.

While the complaint sounds in excessive force pursuant to 42 USC §1983, several specific allegations in the complaint are illegible. However, I believe that filing a request for leave to file a FRCP Rule 8 motion at this time would be a waste of resources in light of Plaintiff's pending request for assignment of counsel (with the expectation that a grant of that application would result in the filing of an Amended Complaint).

This is the first request for an extension of time to respond to Plaintiff's Complaint.

Respectfully submitted,



Andrew K. Preston

CC: Counsel (by ECF)

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